

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 13-1541

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Maria Lorena Calderon; Alvaro Mauricio Calderon, also known as Jorge  
Rodriguez Munoz

*Petitioners*

v.

Eric H. Holder, Jr., Attorney General of the United States

*Respondent*

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Petition for Review of an Order of the  
Board of Immigration Appeals

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Submitted: November 22, 2013  
Filed: January 21, 2014  
[Unpublished]

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Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Honduran citizens Maria Lorena Calderon and Alvaro Mauricio Calderon petition for review of an order of the Board of Immigration Appeals (BIA), which upheld an immigration judge's denial of asylum and withholding of removal. After careful consideration, we conclude that we lack jurisdiction to review the BIA's

denial of asylum, because that denial was based on an unexcused delay in filing the asylum application. See 8 U.S.C. § 1158(a)(3); Ngure v. Ashcroft, 367 F.3d 975, 989 (8th Cir. 2004). As to the BIA’s denial of withholding of removal, we conclude that substantial evidence on the record as a whole supported the finding that the Honduran government was not unwilling or unable to control the alleged persecutor. See De Castro-Gutierrez v. Holder, 713 F.3d 375, 379-81 (8th Cir. 2013) (discussing substantial-evidence standard for denial of withholding of removal); Menjivar v. Gonzales, 416 F.3d 918, 920-22 (8th Cir. 2005) (discussing “unwilling or unable to control” standard for non-governmental persecution). Accordingly, we deny the petition for review. See 8th Cir. R. 47B.

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